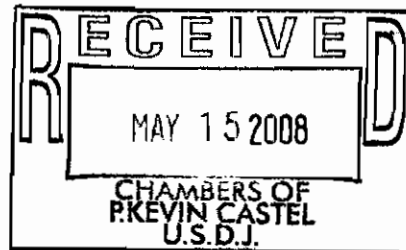


**MEMO ENDORSED****HPM&B**  
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May 13, 2008



Honorable P. Kevin Castel  
United States District Judge  
United States Courthouse  
Southern District of New York  
500 Pearl Street, Room 2260  
New York, New York 10007

Re: Benjamin W. Mitchell v. Prison Health Services, Inc., et al.  
07 CV 08268 (PKC-FM)

Your Honor:

This office is trial counsel to the New York City Law Department in the above-referenced *pro se* matter. On or about May 7, 2008, our office received from the Law Department a Summons and Complaint sent by the United States Marshall. In this action, Benjamin W. Mitchell is suing Prison Health Services, Inc., Roberto De Guzman, M.D., and registered nurses Ms. Davis and Ms. Baptiste. We are attempting to determine the manner and dates of service upon the parties, after which we intend to appear on their behalf.

During our investigation, we learned that plaintiff Benjamin W. Mitchell has another, related case under docket number 08 CV 3783. In that action, he is suing the City of New York and Warden Robert Shaw. We have reason to believe that the allegations in that subsequent matter mirror those in the case that brings us before this Court. We are attempting to determine whether service was received by the City or the Law Department in the subsequent action. In the event that the claims in 08 CV 3783 correspond with those in 07 CV 08268, we will move for consolidation of the two cases.

Therefore, we respectfully request an adjournment of our time to appear on behalf of the defendants in this case to June 13, 2008. The time requested for this adjournment will allow us to retrieve and review information from various agencies, employees, and contractors of the City of New York. The additional time also is necessary to provide us an opportunity to investigate plaintiff's claims with respect to the foregoing defendants and prepare their response. We also require this additional time to determine whether to provide representation to some or all of the defendants, assuming they are served and request representation, pursuant to General Municipal Law § 50-k and/or contracts governing the City's relationship with the private entities and employees.

**HEIDELL, PITTONI, MURPHY & BACH, LLP**

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*Adjournment  
of time to respond  
to the complaint for  
all defendants until  
June 13, 2008.*

*SO ORDERED  
[Signature]  
USDS  
5-15-08*

Honorable P. Kevin Castel  
Re: Mitchell v. PHS, Inc., et al.  
May 13, 2008  
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**HPM&B**  
ATTORNEYS AT LAW

We greatly appreciate Your Honor's consideration of this matter. Should there be any questions, I can be reached at (212) 471-4653.

Respectfully Submitted,

HEIDELL, PITTONI, MURPHY & BACH

By: 

DANIEL MAY (DM2892)

DGM/vm

cc: **BY CERTIFIED MAIL**

Mr. Benjamin W. Mitchell, *pro se*  
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